



ATTORNEY'S DOCKET NO: S1237/7011(ERP)

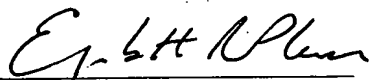
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth Walsh  
Serial No: 09/408,905  
Filed: September 29, 1999  
For: AKT Compositions for Enhancing Survival of Cells  
Examiner: Nickol, G.  
Art Unit: 1642

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on the 20th day of June, 2000.

  
Elizabeth R. Plumer, Reg. No. : 36,637

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Commissioner for Patents  
Washington, D.C. 20231

SECOND STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311.

The Applicant hereby states, as specified in 37 C.F.R. §1.97(e), that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement. No fee is required.

PART II - Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application:

International Search Report in PCT/US99/22633 dated 11 May 2000.

PART III: Remarks

A copy of each of the above-identified information is enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,  
*Kenneth Walsh, Applicant(s)*

By: 

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Docket No. S1237/7011(ERP)

Dated: June 20, 2000

**xndd**

FORM PTO-1449(Modified)  LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO.: S1237/7011(ERP)	SERIAL NO.: 09/408,905
	APPLICANT: Kenneth Walsh	
	FILING DATE: September 29, 1999	GROUP: 1642

#### U.S. PATENT DOCUMENTS

Exam Init	Ref Des	Document No.	Date	Name	Class	Sub Class	FILING DATE If Appropriate
	A1	5,681,703	10/28/97	Tomei	435	6	

#### FOREIGN PATENT DOCUMENTS

		Country & Doc. No. (11)	Pub. Date (43)		Class	Sub Class	Translation Yes No
	B1	WO 92/11865	23.07.92	PCT			
	B2	WO 99/12559	18.03.99	PCT			

#### OTHER ART

(Including Author, Title, Date, Pertinent Pages, Publication, Etc.)

	C7	Dudek H. et al., "Regulation of Neuronal Survival by the Serine-Threonine Protein Kinase Akt," <i>Science</i> , Vol. 275, 1997, pgs. 661-665.
	C8	Coffer et al., "Protein Kinase B (c-Akt): A Multifunctional Mediator of Phosphatidylinositol 3-Kinase Activation," <i>Biochem J.</i> , 1998, Vol. 335, pgs. 1-13.
	C9	Mazure N. et al., "Induction of Vascular Endothelial Growth Factor by Hypoxia Is Modulated by a Phosphatidylinositol 3-Kinase/Akt Signaling Pathway in Ha-ras-Transformed Cells Through a Hypoxia Inducible Factor-1 Transcriptional Element," <i>Blood</i> , 1997, Vol. 90, No. 9, pgs. 3322-3331.
	C10	Burke P. et al., "Vascular Endothelial Growth Factor Causes Endothelial Proliferation After Vascular Injury," <i>Biochemical and Biophysical Research Communications</i> , 1995, Vol. 207, No. 1, pgs. 348-354.
	C11	Isner J.M. et al., "Gene Therapy for Arterial Disease," <i>The Lancet</i> , 1994, Vol. 344, No. 8938, pgs. 1653-1654.

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered.  
Include copy of this form with next communication to applicant